



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

DATE: APR 27 2016

TO: Walter E. Mugdan, Director
Emergency and Remedial Response Division

THROUGH: Eric Mosher, Chief
Response and Prevention Branch

FROM: Dilshad J. Perera, On-Scene Coordinator
Response and Prevention Branch

ACTION MEMORANDUM – RV1

SUBJECT: Action Memorandum to Confirm the Verbal Authorization for an Emergency Removal Action at the Deferiet Paper Mill site, Deferiet, Jefferson County, New York

I. PURPOSE

The purpose of this Action Memorandum is to document the Verbal Authorization granted by Walter E. Mugdan, Director, Emergency and Remedial Response Division (ERRD) to undertake an emergency response action at the Deferiet Paper Mill Site ("Site") located at 400 Anderson Avenue, Deferiet, Jefferson County, New York, 13628 on February 9th, 2016. Verbal Authorization was granted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and authorized a Total Project Ceiling of \$150,000 to remove or contain exposed asbestos containing lagging that is within a heavily used utility worker access easement at the former Deferiet Paper Mill.

II. SITE INFORMATION

A. Site Description

Site Name:	Deferiet Paper Mill
Superfund Site ID:	A26F
NRC Case Number:	Not Applicable
CERCLIS Number:	NYD002229269
Site Location:	400 Anderson Avenue, Deferiet, Jefferson County, New York 13628
Lat/Long:	44.039111/ -75.68075
Potential Responsible Party (PRP):	Deferiet Development LLC
PRP Address (last known):	173 Oswego River Road, Phoenix, New York 13135
NPL Status:	Not Listed
Removal Start Date:	March 02, 2016

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B. Site Background

1. Removal Site Evaluation

On December 11th, 2015, as result of a verbal request given by an attorney representing Jefferson County, on November 24, 2015, the US Environmental Protection Agency (EPA) conducted a site walk through along with a regional supervisor for Brookfield Renewable Power ("Brookfield").

On or about January 1st, 2006, the inactive Deferiet Paper Mill was sold to Deferiet Development, LLC through an auction. Deferiet Development, LLC had purchased the property for the scrap metal value. The associated hydroelectric power plant had been initially sold to Niagara-Mohawk and in turn sold to Erie Boulevard Hydropower LP (parent company of Brookfield Renewable Power) along with two access easement in 1999,

The access easements are necessary to have full access to the hydroelectric power-plant. One of the easements is flanked on one side by a large multistory boiler room building and on the other side by a multistory building housing steam driven pulping machinery. Both of these buildings were part of the former Paper Mill facility. Large steam pipes with asbestos lagging delivered the steam – which was generated by the hydroelectric power-plant – to the pulping and drying machines housed in a building across the alleyway which now serves as Brookfield's easement. Many of the steam delivery pipes along with the return lines are suspended overhead along the alleyway that make up the easement.

Deferiet Development LLC, had cut these steam lines for the scrap metal value. The cutting of the pipes was not conducted in accordance with applicable environmental regulations. In doing so, there are exposed asbestos lagging along the alleyway.

Table 1. Locations of friable asbestos.

LOCATION	AREA	ASBESTOS TYPE
Super Calendar Room	A-2 Heat exhaust fan room at south end	Asbestos paper wrapped duct insulation over nonasbestos fiberglass
Paper Machine Bays 1 and 2	Old steam line – mid section of north wall	White fibrous pipe insulation
Cutter Room Bldg	Areas 1-6, 1-7, 1-12, 1-13, and 1-19	Mudded fittings to pipes
Cutter Room Bldg	Area 1-4	White paper insulation under black paper coating
Ground Wood Complex, Cleaner and Screen Rooms	Area 1-37	Asbestos white paper insulation under black paper, and mudded fittings
Bleach Plant	Areas 1-34 and 1-35, lower levels of partially demolished bleach plant	Asbestos white paper insulation under black paper, and mudded fittings; asbestos containing materials (ACM) are mixed in with piles of debris
Grinder and Turbine Rooms	Area 1-30, along east wall and NW	White paper insulation and mudded fittings; and ACM mixed in debris on floor
Log Pond and Debarking Room	Areas 1-10 and 2-1	White pipe insulation under black paper, and mudded fittings
Log Pond and Debarking Room	Area 1-39	Transite, roofing material, and pipe insulation in piles of debris on floor and on dangling pipes
Dewatering Building	Area 1-14	White pipe insulation under black paper, and mudded fittings
Dewatering Building	Area 1-12 and 1-14	Mudded pipe fittings

2. Physical Location and Site Characteristics

According to the property deed information, the lot encompasses 47.49 acres. There are several discrete building complexes. Each complex was dedicated to a specific process in the manufacturing process. The original paper mill manufactured paper of varying quality – from newspaper to glossy magazine paper. The hydroelectric power-plant was built by the mill to generate steam which drove many of the machinery as well as electrical power for the facility.

The Site – except for the hydroelectric power-plant – is in a severe state of disrepair. Many of the buildings have collapsed – in part may have been the result of the removal of the structural components for their scrap metal value. The buildings flanking the alleyway have large cracks and many missing bricks.

The Site is bound on the west and south side by residential properties.

3. Release or Threatened Release into the Environment of a Hazardous Substance, Pollutants, or Contaminants

The exposed asbestos lagging is posing a threat to the employees of Brookfield that need to traverse the alleyway to gain access to portions of their hydroelectric power-plant on nearly a daily basis. With the rapidly deteriorating conditions of the boiler and machinery building, there is a potential for further exposure to the employees of Brookfield. During the initial walk through, OSC was reluctant

to open the doors to the buildings due to the structural state of the buildings. A structural engineer survey needs to be conducted prior to accessing the two buildings flanking the alleyway. Due to the improper dismantling of the steam pipes, the removed asbestos may be strewn in other areas of the facility.

III. THREATS TO THE PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants, or Contaminants

The exposed asbestos lagging poses an immediate threat to the employees of Brookfield who need to access their hydroelectric power-plant. In addition, the discarded asbestos from steam pipe removal may still be present on the property, potentially exposing the residents adjoin the property – particularly along the western edge of the property.

Friable asbestos is designated as a CERCLA hazardous substance under 40 CFR. Table 302.4. Friability is the ease with which material can be crumbled, pulverized, or reduced to powder when dry, by hand pressure. The degree of friability of the asbestos containing material determines the potential for fiber release to the air.

Hazardous Substance

Statutory Source for Designation as a Hazardous Substance

Asbestos

Clean Water Act - Section 307(a)
Clean Air Act - Section 112

B. Check Applicable Factors From 40 CFR 300.415 Which Were Considered in Determining the Appropriateness of a Removal Action

- ☒ Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances, or pollutants, or contaminants [300.415(b)(2)(i)].
- ☐ Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].
- ☐ Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].
- ☐ High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].
- ☒ Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].
- ☐ Threat of fire or explosion [300.415(b)(2)(vi)].
- ☒ The unavailability of other appropriate federal or State response mechanisms to respond to the release [300.415(b)(2)(vii)].
- ☐ Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS

A. Situation and Removal Activities to Date

1. Current Situation

No current activities are taking place at the Site.

2. Removal Activities to Date

Other than obtaining a Verbal Authorization, EPA has not initiated on site activities at the time of compiling this Action Memorandum.

3. Enforcement

The last owner of the Site has been identified. With the assistance of the attorney representing Jefferson County a history of the Site will be compiled.

B. Planned Removal Action

1. Proposed Action Description

- Conduct a structural engineering survey.
- Stucco or otherwise seal the exposed lagging where it cannot be removed till the structural engineering survey has been completed as interim measure.
- Remove exposed asbestos lagging where possible.
- Survey the area for discarded asbestos lagging.
- Provide transport and disposal of accumulated asbestos.
- A Removal Site Evaluation focusing on the building interior will be conducted to determine if another removal action is warranted.

2. Contribution to Remedial Performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site. However, at this time a long-term remedial action is not anticipated.

3. Applicable or Relevant and Appropriate Requirements ("ARARs")

ARARs within the scope of this removal action, including the RCRA and the Hazardous Materials Transportation Uniform Safety Act regulations that pertain to the disposal of hazardous wastes, will be met to the extent practicable. The Occupational Safety and Health Act regulations that pertain to health and safety will also be met to the extent practicable.

4. Project Schedule

On March 2, 2016, the Emergency and Remedial Response Services (ERRS) contractor, EPA, contractor personnel and equipment mobilized to the Site to initiate the response action.

Estimated Costs*

Contractor costs (ERRS/START staff, travel, equipment) Includes 20% Contingency	\$150,000
Other Extramural Costs (Strike Team, other Fed Agencies, Removal Support Team)	\$0
Total Removal Project Ceiling	\$150,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTIONS BE DELAYED OR NOT TAKEN

Further delay would allow the boiler-house and steam driven machinery building to further deteriorate and contribute to exposing more of the asbestos lagging thereby further exposing the employees of Brookfield and potentially impacting the adjoining residential dwellings.

VI. OUTSTANDING ISSUES

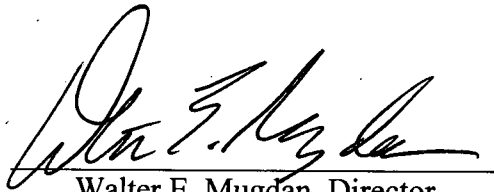
None

VII. APPROVALS

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and is not inconsistent with the National Contingency Plan ("NCP"). Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal action. This document confirms the verbal authorization provided on February 9th, 2016, for the initiation of the removal action at the Deferiet Paper Mill Site. The total project ceiling is \$150,000, all funding will be used for mitigation contracting and funded from the Regional Removal Allowance.

VIII. ENDANGERMENT DETERMINATION UNDER CERCLA SECTION 106: HAZARDOUS SUBSTANCES

“Actual or threatened releases of hazardous substances from this Site may present an imminent and substantial endangerment to public health, or welfare, or the environment.”



Walter E. Mugdan, Director
Emergency and Remedial
Response Division

APRIL 27, 2016

Date

After Approval

cc: W. Mugdan, 2ERRD-D

A. Carpenter, 2ERRD-
DD

E. Mosher, 2ERRD-
RPB

J. Rotola, 2ERRD-RAB

J. Daloia, 2ERRD-RPB

V. Capon, 2ORC

A. Cirillo, 2ORC

K. Giacobbe, OPM-
GCMB

J. Bachmann, OPM-
GCMB

M. Mears, 2PAD

B. Grealish, ERRD-
RAB

P. McKechnie, OIG

A. Raddant, USDOJ